

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO :5068 of 2005

DATED: 13-04-2007

BETWEEN:

Mandala Narasimha Rao.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Secretary,
Prohibition & Excise Department,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

-
-
-

-
-
-
-

ORDER:

-

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Prohibition & Excise appearing for the respondents.

2. Petitioner questions the proceedings in

Rc.No.645/2003/B2, dated 10-04-2003, suspending his TFT licence in respect of the toddy shop at Chinakondrupadu TFT, Prathipadu mandal, Guntur District, on the ground that the toddy was found adulterated with Chloral Hydrate.

-

3. Learned Government Pleader submits that after suspension of the said licence, simultaneously a show cause notice, dated 10-04-2003, was issued calling upon the petitioner to submit explanation and after submitting the explanation the TFT licence itself has been cancelled.

-

4. Learned counsel appearing for the petitioner submits that in fact the criminal case registered against the petitioner in Cr.No.94/2002-03 on 03-03-2003, after filing the charge sheet which was numbered as C.C.No.438 of 2003 on the file of the First Class Magistrate for Prohibition & Excise, ended in acquittal and therefore, the order of cancellation is also illegal, arbitrary, and unsustainable.

5. Having regard to the facts and circumstances I am of the

opinion that unless the petitioner questions the cancellation order based on the acquittal of the said criminal case he is not entitled to any relief in this Writ Petition.

-

6. Accordingly, Writ Petition is dismissed as infructuous with a liberty to question the cancellation order by appropriate proceedings or to make appropriate representations before the respondents for restoration of the licence in view of the acquittal of the said criminal case. No order as to costs.

-

V.ESWARAIAH, J

13th April, 2007

Tsy